

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

LARRY E. CHARLES and	:	Case No. 19-10095-TPA
SHIRLEY M. CHARLES,	:	Chapter 12
Debtors.	:	Related to Doc. 49

**ORDER**

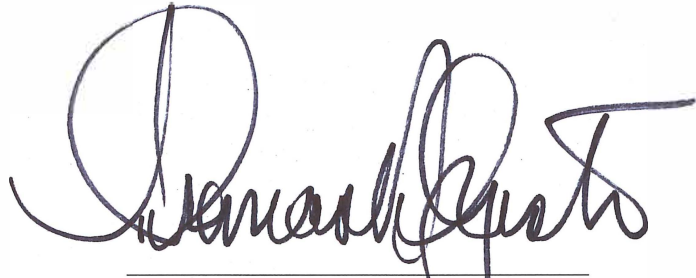
On June 20, 2019 a hearing was held on the *Order to Show Cause* issued on May 9, 2019 for the Debtors’ failure to timely file a Chapter 12 Plan and related documents. On May 16, 2019 the Debtors filed their *Chapter 12 Plan* (Doc. 51) and related documents. The *Chapter 12 Plan* was scheduled for Pre-Confirmation hearing, and by June 14, 2019 the Debtors were to file Income/Cash Flow Projections for the next twelve months and Historical Income/Cash Flow Statements for twelve months prior to Plan filing. On June 17, 2019, the Debtors filed the *Historical Income and Expense Summary* (Doc. 69) and *Projected Income and Expense Summary* (Doc. 70) (“Projections”).

The *Historical Income and Expense Summary* contains adequate information from the twelve months prior to Plan filing, however, the Projections state they are based on average actual income available on monthly operating reports for the first three months of the present case. The Court does not regard Projections averaging three months of income and expenses to be adequate or helpful in determining feasibility in any way and will require Projections based on broader historical numbers and monthly trends, not just mere averages, to be filed. Therefore,

*AND NOW*, this 21<sup>st</sup> day of *June, 2019*, for the reasons stated at the June 20th hearing and above, it is hereby ***ORDERED, ADJUDGED, and DECREED*** that:

(1) The *Order to Show Cause* (Doc. 49) is ***VACATED***, however, the Court reiterates, if this case is unsuccessful, the Debtors will be barred from refiling for three years.

(2) ***On or before July 5, 2019*** the Debtors shall file ***Amended Projections*** as an Exhibit to the *Chapter 12 Plan*.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Case administrator to serve:

Brian Thompson, Esq.  
Ronda Winnecour, Esq.  
Jill Locnikar, Esq.  
Debtors

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
Western District of Pennsylvania

In re:  
Larry E. Charles  
Shirley M. Charles  
Debtors

Case No. 19-10095-TPA  
Chapter 12

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: jmar  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 2

Date Rcvd: Jun 21, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 23, 2019.

db/jdb +Larry E. Charles, Shirley M. Charles, 1407 Deckards Run Road, Cochranton, PA 16314-9343  
aty +Ronda J. Winnecour, Suite 3250, USX Tower., 600 Grant Street, Pittsburgh, PA 15219-2702

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 23, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 21, 2019 at the address(es) listed below:

Brian C. Thompson on behalf of Debtor Larry E. Charles bthompson@ThompsonAttorney.com,  
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@t  
hompsonattorney.com  
Brian C. Thompson on behalf of Joint Debtor Shirley M. Charles bthompson@ThompsonAttorney.com,  
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@t  
hompsonattorney.com  
Christopher P. Schueller on behalf of Creditor Commercial Loan Investment VII, LLC  
christopher.schueller@bipc.com, donna.curcio@bipc.com  
David A. Scott on behalf of Creditor CNH Industrial Capital America LLC scott@lg-law.com  
James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com  
Jill Locnikar on behalf of Creditor United States of America acting through Farm Service  
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Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9